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10 **IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION**

11 JAVIER AND LETICIA ZAMORA and) No. C07-04603 JSW
12 DANIEL PEREZ and ELIZABETH PEREZ,)
13) CLASS ACTION
14)
15) **JOINT CONTINUED CASE**
16) **MANAGEMENT STATEMENT AND**
17) **STATUS REPORT**
18)
19) The Honorable Jeffrey S. White
20)
21) Date: March 6, 2009
22) Time: 1:30 pm
23) Dept: Courtroom 2
24)
25)

1 Pursuant to Rules 16(b) and 26(f) of the Federal Rules of Civil Procedure, and Civil
 2 Local Rule 16-10(d), plaintiffs Leticia Zamora and Daniel Perez and Elizabeth Perez
 3 (“Plaintiffs”), along with defendant Wachovia Mortgage, FSB, formerly known as World
 4 Savings Bank, FSB (“Wachovia”) hereby submit the following Joint Continued Case
 5 Management Statement and Status Report. This statement briefly supplements the Joint Rule
 6 26(f) Report and Case Management Conference Statement filed on December 3, 2007, the
 7 First Amended Joint Rule 26(f) Report and Case Management Conference Statement filed on
 8 January 5, 2008 and the Joint Continued Case management Conference Statement and
 9 Updated Status Report filed on June 13, 2008 (collectively “Reports”).

10 **1. Settlement and ADR Process**

11 On May 13, 2008 and September 15, 2008, the parties mediated this matter before
 12 Judge Edward A. Infante (Ret.) of JAMS and believed that additional mediation sessions
 13 would be beneficial. The mediation process, however, was delayed by the acquisition of
 14 Wachovia by Wells Fargo & Co, which closed on December 31, 2008.

15 The parties met with Judge Infante for a third mediation session on February 25, 2009
 16 but did not reach a resolution and the mediation was suspended.

17 **2. Additional Anticipated Pre-Trial Motions**

18 In addition to the anticipated Motions as set out in the parties’ previous Reports, if
 19 continued settlement and mediation discussions do not lead to a resolution of this matter,
 20 Defendant presently anticipates moving to add the named plaintiffs’ mortgage brokers as
 21 necessary parties pursuant to Federal Rule of Civil Procedure Rule 19(a). *See Steele v. GE*
 22 *Money Bank*, No. 08-C-18880, 2009 U.S. Dist. LEXIS 11536 (N.D. Ill. Feb. 17, 2009).

23 Plaintiffs intend to amend the complaint to address the changes in defendant’s
 24 ownership structure.

25 **3. Scheduling**

26 While some formal discovery has commenced, the parties have primarily engaged in
 27 an informal exchange of information for purposes of mediation, so as to explore the
 28 possibilities of resolution of this action without the costs and burdens associated with full

1 discovery. As a result, the parties request that the pre-trial deadlines be continued as follows:

2 PRE-TRIAL EVENT	3 PARTIES' REQUESTED 4 DEADLINE:
5 Deadline to Amend Pleadings	6 July 2, 2009
7 Initial Expert Reports re Class 8 Certification Issues	9 October 9, 2009
10 Rebuttal Expert Reports re 11 Class Certification Issues	12 October 30, 2009 (defendant) 13 November 13, 2009 (plaintiff)
14 Completion of Expert 15 Discovery re Class 16 Certification Issues	17 November 25, 2009
18 Last Day to File Motion for 19 Class Certification	20 December 4, 2009
21 Opposition to Motion for Class 22 Certification	23 January 22, 2010
24 Reply in Support of Motion for 25 Class Certification	26 February 26, 2010
27 Hearing on Motion for Class 28 Certification	29 March 19, 2010 or other date per 30 Court's calendar at 9:00 a.m.
31 Close of Fact Discovery	32 July 15, 2010
33 Close of Expert Discovery	34 September 17, 2010
35 Joint Case Management 36 Conference Statement Due	37 December 24, 2010
38 Case Management Conference	39 January 14, 2011
40 Dispositive Motion Hearing 41 Date	42 January 14, 2011 at 9:00 a.m.

18 Dated: February 27, 2009



23 Dated: March 2, 2009

As all case management dates are HEREBY SET by approved stipulation, the case management conference set for March 6, 2009 is HEREBY VACATED.

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